

107TH CONGRESS  
1ST SESSION

# S. 791

To amend the Federal Rules of Criminal Procedure.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2001

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Federal Rules of Criminal Procedure.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Video Teleconferencing  
5       Improvements Act of 2001”.

6       **SEC. 2. AUTHORIZATION OF VIDEO TELECONFERENCING**  
7               **FOR THE INITIAL APPEARANCE.**

8       Rule 5 of the Federal Rules of Criminal Procedure  
9       is amended by adding at the end the following:

10       “(d) VIDEO TELECONFERENCING.—Video teleconfer-  
11       encing may be used to conduct an appearance under this  
12       rule.”.

1 **SEC. 3. AUTHORIZATION OF VIDEO TELECONFERENCING**  
 2 **FOR THE ARRAIGNMENT.**

3 Rule 10 of the Federal Rules of Criminal Procedure  
 4 is amended—

5 (1) by striking “Arraignment” and inserting  
 6 “(a) IN GENERAL.—Arraignment”; and

7 (2) by adding at the end the following:

8 “(b) VIDEO TELECONFERENCING.—Video teleconfer-  
 9 encing may be used to arraign a defendant.”.

10 **SEC. 4. AUTHORIZATION OF VIDEO TELECONFERENCING**  
 11 **FOR CERTAIN PROCEEDINGS.**

12 Rule 43 of the Federal Rules of Criminal Procedure  
 13 is amended—

14 (1) in subsection (a), by striking “The” and in-  
 15 serting “Except as otherwise provided in this rule,  
 16 Rule 5, or Rule 10, the”;

17 (2) in subsection (c)—

18 (A) in paragraph (3), by striking “or” at  
 19 the end;

20 (B) in paragraph (4), by striking the pe-  
 21 riod at the end and inserting “; or”; and

22 (C) by adding at the end the following:

23 “(5) when—

24 “(A) the proceeding is the sentencing hear-  
 25 ing; and

1           “(B)(i) the defendant, in writing, waives  
2           the right to be present in court; or

3           “(ii) the court finds, for good cause shown  
4           in exceptional circumstances and upon appropriate  
5           safeguards, that communication with a  
6           defendant (who is not physically present before  
7           the court) by video conferencing is an adequate  
8           substitute for the physical presence of the  
9           defendant.”.

10 **SEC. 5. EFFECTIVE DATE.**

11       This Act, and the amendments made by this Act,  
12 shall apply to a criminal complaint filed after the date of  
13 enactment of this Act.

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